

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

The Estate of RANDEN HARVEY  
and JACKIE GREEN,

Plaintiffs,

v.

Case No. 08-14916  
Honorable Patrick J. Duggan

UNITED STATES OF AMERICA,

Defendant.

---

**OPINION AND ORDER DENYING DEFENDANT'S  
MOTION IN LIMINE TO EXCLUDE TESTIMONY OF DR. JOHN  
PANKIEWICZ, M.D.**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan, on October 7, 2009.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

Plaintiffs bring this lawsuit against the United States pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 1346, 2671-80, asserting medical malpractice by doctors at the Ann Arbor Veterans Administration Medical Center allegedly resulting in the death of Randen Harvey. Presently before the Court is the Government's motion in limine to exclude the testimony of Plaintiffs' medical expert, Dr. John Pankiewicz, filed pursuant to Federal Rules of Civil Procedure 26(a)(2)(B)(i) and 37(c)(1) on August 17, 2009. The motion has been fully briefed and, on October 1, 2009, this Court held a motion hearing.

For the reasons set forth on the record at the motion hearing,

**IT IS ORDERED**, that Defendant's motion in limine to exclude Dr. Pankiewicz' testimony is **DENIED**.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:  
Thomas F. Campbell, Esq.  
Kristina L. Derro, Esq.  
Steven P. Croley, Esq.